

## Representative Rodrigues of Westport



# The Commonwealth of Massachusetts

IN THE YEAR TWO THOUSAND FIVE

## **AN ACT** ESTABLISHING A TRAIL MAINTENANCE PROGRAM.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. Section 20 of chapter 90B of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by inserting at the end thereof the following definition:—

“Trails Maintenance Assessment”, a decal, which allows registered recreation vehicles on designated motorized trails under the jurisdiction of the department of conservation & recreation. All Trails Maintenance Assessment (TMA) decals are issued by the by the New England Trail Rider Association or its successor organization to recreation vehicle operators, granting use of motorcycle and off road vehicle trails. Each TMA is placed on the left front fork of a two-wheeled motorcycle, or on left front side cowl of a 4-wheeled All-terrain Vehicle.

SECTION 2. Section 21 of said chapter 90B, as so appearing, is hereby amended by striking out said section in its entirety and inserting in place thereof the following section:—

Section 21. No person shall operate a snow vehicle or a recreation vehicle unless such vehicle has been registered in accordance with the provisions of this chapter, and in the case of a recreation vehicle, displays a Trails Maintenance Assessment (TMA) decal except on land owned by the owner of said vehicle.

SECTION 3. Section 38A of Chapter 132 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking out said section in its entirety and inserting in place thereof the following section:—

Section 38A. The department of conservation and recreation shall construct and maintain trails for horseback riding, hiking, ski touring, snowmobiling, recreation vehicle riding and other uses on land within its control in accordance with a plan for each area which will minimize conflicting uses and allow each of the aforementioned activities sufficient trail mileage to participate comfortably and safely. Said trails shall be open year round except when weather or trail conditions render the trail usage unsafe or a significant threat to department resources. The department is authorized to prepare and publish trail maps and other informational material to inform the public of the location and nature of such trails. To the extent practicable, the voluntary services of trail using organizations and individuals shall be utilized in carrying out the work authorized hereunder. Expenses authorized by this section and section thirty eight, including the acquisition of land or easements therein, surveying and mapping, and the cost of development and construction and expenses incidental thereto, may be paid out of funds theretofore or hereafter made available for the purpose of chapter one hundred and thirty-two A.

The department shall establish rules and regulations for the issuance of Trails Maintenance Assessment (TMA) decals, as defined in section 20 of chapter 90B. Such rules and regulations shall include but not be limited to the following:

- (a) The associations designated in section 20 of chapter 90B shall collect the fee for said decal and provide an annual accounting report to the commissioner.
- (b) Funds generated from the sale of decals shall be used by said associations exclusively for trail establishment, maintenance, enforcement, and decal distribution.

SECTION 4. Section 22 of chapter 90B of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by inserting the following two paragraphs:—

The New England Trail Rider Association or its successor organization shall be an agent of the commissioner of conservation and recreation for the issuance of the Trails Maintenance Assessment (TMA) decals as defined in section 21. The TMA shall be valid for a period ending two years from date of issuance, or when each recreation vehicle receives its certificate of registration.

SECTION 5. Section 32 of chapter 90B of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:—

Whoever while operating or in charge of any snow vehicle or recreation vehicle, other than property owned by him, refuses to stop such vehicle after having been requested or signaled to do so by any such officer, or whoever refuses to give his true and correct name and address or refuses to display the certificate of number of such vehicle, and surrender to such officer for examination, and in the case of a recreation vehicle, refuses to display a Trails Maintenance Assessment Decal (TMA), shall be punished by a fine of not more than fifty dollars.